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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-07023 (SHL)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ
CHAIM INC., TBG RADIN LLC, SHEM OLAM,
LLC, CONGREGATION RADIN DEVELOPMENT
INC., ARYEH ZAKS, BEATRICE WALDMAN
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T. HENIG,
STEVEN GREEN, DANIEL GREEN, ABRAHAM
ZAKS and STERLING NATIONAL BANK,

Defendants.

**DECLARATION OF DANIEL
S. ALTER IN SUPPORT OF
ORDER TO SHOW CAUSE**

Pursuant to 28 U.S.C. § 1746, and under the penalty of perjury, Daniel S. Alter declares as follows:

1. I am a partner in the law firm Abrams, Fensterman, LLP, the attorneys for of Rabbi Mayer Zaks, Sima Zaks Weintraub, Aron Zaks, Henoch Zaks, Yosef Tzvi Zaks, Nochum Brody and Leah Brody (on behalf of themselves and their minor children, Chaya Bracha Brody, Ester Malka Brody,

Moshe Aron Brody, Miriam Freda Brody, Batsheva Rivka Brody, Gershon Brody, Sara Devorah Brody, Chana Eitel Brody, Faigy Temams Brody, Shmuel Brody), Yisroel Hochman, Faigy Hochman (on behalf of themselves and their minor children, Avrohom Gershon Hochman, Yaakov Tzvi Hochman, Menachem Mendel Yosef Hochman, Aron Yehuda Hochman), Shimon Zaks and Leah Zaks (on behalf of themselves and their minor child, Yehoshua Zaks) (collectively, the “Movants” or the “Families”).

2. I submit this declaration in support of the Movants’ emergency application, made by order to show cause, for an order extending this Court’s order, dated June 3, 2022 (“Stay Order”) (a true and correct copy of which is annexed hereto as Exhibit A), which stayed until August 1, 2022, portions of the Court’s prior order, dated April 14, 2022, directing that the Families’ be evicted from their homes by June 15, 2022 (the “Eviction Order”) (a true and correct copy of which is annexed hereto as Exhibit B).

3. Emergency relief is necessary. If the Stay Order is not immediately extended, it will expire at midnight on July 31, 2022, thereby enabling the U.S. Marshal’s to eject 29 men, women and children – including 2 newborns, 9 other infants and small children under the age of 6, and 6 children between the ages of 6 and 11 – from the homes in which they have lived and observed their faith for many years. Under these extraordinary circumstances, the Families’ eviction will constitute irreparable harm.

4. Movants have written to the Court three times over the past three weeks requesting either a hearing date for their motion to extend the Stay Order or a summary grant of relief, but the Court has not responded to those communications. No prior application for this relief has been presented to any court.

5. An expedited appeal from the Eviction Order is fully briefed and presently pending in

the District Court. A true and correct copy of the Movant's main brief on appeal, which sets forth their arguments on the merits, is annexed hereto as Exhibit C.

6. Because of the urgency of this application, Movants have not had the opportunity to present the Court with a full submission in support of the requested relief. Movants therefore respectfully request that the Court permit them to file supplemental papers in advance of a hearing.

Dated: White Plains, New York
July 27, 2022

/s/ Daniel S. Alter

Daniel S. Alter